

ANN BAVENDER*
ANNE GOODWIN CRUMP
VINCENT J. CURTIS, JR.
RICHARD J. ESTEVEZ
PAUL J. FELDMAN
ROBERT N. FELGAR*
ERIC FISHMAN
RICHARD HILDRETH
FRANK R. JAZZO
ANDREW S. KERSTING*
EUGENE M. LAWSON, JR.
HARRY C. MARTIN
GEORGE PETRUTSAS
LEONARD R. RAISH
JAMES P. RILEY
KATHLEEN VICTORY
HOWARD M. WEISS
* NOT ADMITTED IN VIRGINIA

ORIGINAL
FLETCHER, HEALD & HILDRETH, P.L.C.

ATTORNEYS AT LAW
11th FLOOR, 1300 NORTH 17th STREET
ARLINGTON, VIRGINIA 22209-3801

(703) 812-0400
TELECOPIER
(703) 812-0486
INTERNET
www.fhh-telcomlaw.com

FRANK U. FLETCHER
(1939-1985)
ROBERT L. HEALD
(1956-1983)
PAUL D.P. SPEARMAN
(1936-1962)
FRANK ROBERSON
(1936-1961)
RUSSELL ROWELL
(1948-1977)

RETIRED
EDWARD F. KENEHAN
CONSULTANT FOR INTERNATIONAL AND
INTERGOVERNMENTAL AFFAIRS
SHELDON J. KRYS
U. S. AMBASSADOR (ret.)
OF COUNSEL
EDWARD A. CAINE*
MITCHELL LAZARUS*
EDWARD S. O'NEILL*
JOHN JOSEPH SMITH

WRITER'S DIRECT

RECEIVED

AUG 27 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

August 27, 1998

BY HAND DELIVERY

Magalie Roman Salas, Esquire
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Re: Petition for Rule Making
Change in DTV Table of Allotments
KNSO(TV), Merced, California

Dear Ms. Salas:

Transmitted herewith, on behalf of Sainte 51, L.P., permittee of Station KNSO(TV), Merced, California, are an original and four copies of a Petition for Rule Making to amend Section 73.622(b) of the Commission's Rules, the Digital Television Table of Allotments, to substitute Channel 5 for Channel 38, as the digital television (DTV) channel assigned to KNSO(TV).

Should any further information be required concerning this matter, please communicate with this office.

Very truly yours,
FLETCHER, HEALD & HILDRETH, P.L.C.



Anne Goodwin Crump
Counsel for Sainte 51, Ltd.

Enclosures

10/20/98 044
MMB

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

RECEIVED

AUG 27 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.622(b),) MM DOCKET NO. _____
Digital Television Table of Allotments) RM- _____
(Merced, California))

Directed to: Chief, Allocations Branch

PETITION FOR RULE MAKING

Sainte 51, L.P. ("Sainte"), permittee of Station KNSO(TV), Merced, California, hereby respectfully requests that the Commission amend Section 73.622(b) of its Rules, the Digital Television Table of Allotments, to substitute Channel 5 for Channel 38, as the digital television (DTV) channel assigned to KNSO(TV). With respect thereto, the following is submitted:

1. Sainte currently holds a construction permit for KNSO(TV) to operate on NTSC Channel 51 from a site at Mt. Bullion, California. The station currently is operating from that site pursuant to program test authority, as an application for license has been filed (BLCT-960329KE).

2. KNSO(TV) is included in the Fresno-Visalia television market.¹ From its current location, however, the station is incapable of providing adequate coverage to the entire DMA. Indeed, due to distance and intervening terrain, the current predicted Grade B contour of KNSO(TV) does not cover either Fresno or Visalia, the two named cities in the market. *See*

¹ *TV & Cable Factbook*, Vol. 66, 1998 Edition at A-126. There are eleven (11) television stations serving this market.

Television and Cable Factbook, Stations Vol. 66 at A-126. The mountainous terrain in the area is such that it creates shadowing over the communities of Visalia and Porterville, as well as other important cities.

3. Because of these serious technical difficulties, KNSO(TV) necessarily operates at a severe disadvantage, and, as a result, it is not able to compete effectively in the market due to its limited service area. This also means that the effectiveness of its public service and outreach efforts are limited since the station can reach only a portion of the market. If the station were able to compete more equally in the market, it could serve more of the population with its public interest programming, and it would be able to compete more robustly to obtain the funds necessary to provide even greater public service.

4. Accordingly, it is proposed that the DTV operation for KNSO(TV) be located at the Meadow Lakes, California site currently used by five other stations in the market. From this location, Sainte will be able to provide city grade coverage to Merced, KNSO(TV)'s community of license, and also will be able to provide DTV coverage to the remainder of the market. Thus, for the first time, KNSO(TV) will be able to compete with the other market stations on a more level playing field, a factor that will enhance the overall development of DTV service in the market.

5. The proposed relocation to the improved transmitter site is not possible with DTV channel 38, which is currently assigned to Sainte's station, KNSO(TV). Therefore, it is proposed herein that Channel 5 be substituted for Channel 38 as the DTV channel assigned to KNSO(TV). As indicated in the attached Engineering Statement, Channel 5 can be allotted to Merced, with reference co-ordinates at the Meadow Lakes site, in compliance with Section 73.623 of the

Commission's Rules. Further, the proposed facility at the Meadow Lakes site would provide the requisite city grade coverage of the city of Merced.

6. Upon grant of the proposed channel change, Sainte will submit an application for construction permit for a DTV station on Channel 5 within the required time period, and, upon grant of the construction permit, will promptly construct the proposed DTV facility.

7. As indicated above, the proposed change in the DTV Table of Allotments will allow KNSO(TV) to provide greatly improved service to both its community of license and the market as a whole. The proposed relocation and accompanying channel change will greatly increase the station's service area, and therefore the population to be served. Additionally, the station's increased ability to compete in the market will allow it to raise additional funds to provide additional public interest programming and outreach efforts to the people served. Moreover, the proposed relocation of the station will place KNSO(TV) at a shared antenna site, with attendant environmental benefits. All of these factors demonstrate that the proposed amendment to the DTV Table of Allotments would serve the public interest.

WHEREFORE, the premises considered, Sainte hereby respectfully requests that DTV Channel 5 be substituted for DTV Channel 38 at Merced, California, as set forth herein, and that DTV Channel 5 be associated with KNSO(TV).

Respectfully submitted,
SAINTE 51, L.P.

By:



Richard Hildreth
Anne Goodwin Crump

Its Attorneys

FLETCHER, HEALD & HILDRETH, P.L.C.
1300 North 17th Street
Eleventh Floor
Arlington, Virginia 22209
(703) 812-0400

August 27, 1998

SAINTE 51, L.P.
BT KNSO - Merced, CA

PETITION FOR RULEMAKING
Engineering Statement

Sainte 51, L.P. is presently authorized to operate BT KNSO on NTSC Channel 51 from a site at Mt. Bullion, California, and the station has been assigned DTV Channel 38. In order to provide an improved service--particularly with the objective of providing a viable signal to its entire Metropolitan Trading Area--it is now proposed to locate the DTV facility at Meadow Lakes, California. Since a study indicates that DTV Channel 38 operation would not be grantable at that site, it is now proposed to change the DTV assignment to Channel 5.

The center coordinates of the city of Merced are given in the index to the National Atlas of the United States as 37°18'18"N and 120°28'42"W. Since that point fails to meet the Commission's spacing requirements, an alternate reference point (at Meadow Lakes) has been selected at 37°04'18"N and 119°25'53"W.

The attached Exhibit 1 indicates that proposed reference point is fully spaced to all pertinent facilities. Exhibits 2A/2B demonstrate that this proposal would provide signal strength exceeding the noise-limited level to the entire city of Merced.

Respectfully submitted,


Mel Freedman
Engineer for Sainte 51, L.P.

17 August 1998

MEL FREEDMAN
MODESTO, CA

Digital TV Spacing Study

TITLE: Sainte Partners
Channel 5 Zone II
Database: FCC 07/21/98

Latitude: 37-04-18
Longitude: 119-25-53
Safety zone: 120 km

Call	Auth	Licensee name	Chan	ERP	HAAT-m	Latitude	BR-to	Dist.	Req.
City of License	St	FCC File No.	Zone	(kW)	HAMSL	Longitude	-from	(km)	(km)
KPIX-TV	LIC	CBS TELEVISION, INC.	5 +	100	506	37-45-20	286.8	277.9	273.6
SAN FRANCISCO	CA		II		538	122-27-05	105.0	4.270	CLOSE
Horizontal polarization;									
KNPB	LIC	CHANNEL 5 PUBLIC BROA	* 5 o	5.01	140	39-35-01	353.6	280.6	273.6
RENO	NV	BLET-831011KF	II		1678	119-47-52	173.4	7	CLOSE
Horizontal polarization;									
KTLA-TV	LIC	KTLA INC.	5 o	44.7	976	34-13-36	158.3	339.0	273.6
LOS ANGELES	CA	BLCT-880908KO	II		1876	118-03-56	339.1	65.35	CLEAR
Circular polarization;									
KSBY	LIC	SJL OF CALIFORNIA, L.	6 +	100	543	35-21-37	210.3	219.4	146.4
SAN LUIS OBISPO	CA		II		885	120-39-17	29.6	73.01	CLEAR
Horizontal polarization;									
KVIE	LIC	KVIE, INC.	* 6 o	100	567	38-16-18	306.8	226.2	146.4
SACRAMENTO	CA	BLET-861201L1	II		570	121-30-18	125.5	79.84	CLEAR
Horizontal polarization;									

>> End of Channel 5 Study <<

MEL FREEDMAN
MODESTO, CA

Service contours based on FCC F[50,90] curves

Title: Meadow Lakes, CA

Channel: 5

Bearing (degrees)	HAAT (meters) (feet)	ERP (kW) (dBk)	Depression angle (degrees)	28 dBu (.03 mV/m) contour
.0	445.0 1460.0	20.28 13.07	.584	123.2 km 76.6 mi
45.0	90.0 295.3	44.98 16.53	.263	94.8 km 58.9 mi
90.0	-99.0 -324.8	44.98 16.53	.152	78.2 km 48.6 mi
135.0	444.0 1456.7	20.37 13.09	.584	123.2 km 76.6 mi
180.0	767.0 2516.4	6.761 8.300	.767	131.6 km 81.8 mi
225.0	940.0 3084.0	4.775 6.790	.849	131.6 km 81.8 mi
270.0	880.0 2887.1	5.346 7.280	.822	131.6 km 81.8 mi
315.0	829.0 2719.8	5.916 7.720	.798	131.7 km 81.8 mi
HAAT:	537.0 1761.8			

